

**Rocky Flats Citizens Advisory Board
Recommendation 96-2**

**to the Department of Energy, Colorado Department of Public Health and Environment
and the U.S. Environmental Protection Agency**

Regarding the Rocky Flats Cleanup Agreement

Approved January 10, 1996

On November 1, we received a response from the Department of Energy to our October 5 Rocky Flats Cleanup Agreement recommendation. In this letter, DOE transmitted the results of the October Work Out Session, which was the Agreement in Principle. The CAB appreciates this response to our recommendation.

Upon review of these results and with the second Work Out Session approaching, the CAB felt it necessary to follow-up our initial recommendation with some clarifications, further recommendations and information requests.

Recommendations:

- DOE should be careful not to base plutonium storage decisions on the 2015 removal date. Since DOE might not be able to control a postponement of plutonium removal, safe storage should be designed to account for this possibility.
- The AIP should describe how stakeholders will be involved in the budget process in relation to RFCA. Currently, only regulator involvement is mentioned.
- One of the outstanding issues for which CAB provided a recommendation was how to ensure earliest possible removal of plutonium from the site. CAB recommended developing a national dialogue on plutonium disposition. DOE's response to our recommendation was that the plutonium PEIS is serving this purpose. CAB does not believe that the PEIS is a national dialogue or that it will solve the problem of plutonium disposition, and therefore requests that DOE reconsider this recommendation.

Clarifications:

- The CAB recommendation referred to a regulator or regulators being responsible for developing standards for and enforcing in-building cleanup. The DOE response referred to a single regulator. We want to clarify that we would not restrict this choice to a single regulator.

ADMIN RECORD

- On the subject of whether enforceable milestones will be changed as a result of a Rocky Flats budget shortfall, our original recommendation stated that once the regulators, DOE and the stakeholders have agreed on a course of action for a given fiscal year, with enforceable milestones in place, DOE must fight to get the funding needed to accomplish the work. Further, we recommended that regardless of a shortfall, DOE (like private industry) is responsible for finding a way to get the work accomplished. We did not receive a response to this piece of advice.
- Finally, CAB recommended that if Kaiser-Hill fails to perform, it should be held responsible, and that fines or other assessments should come out of corporate profits and not from taxpayer dollars. This item was also not mentioned in the response letter.

Information Requests:

- The AIP called for development of non-enforceable plutonium milestones by November 1, 1995. CAB is interested in seeing these, or finding out where they are in the development process.
- We need to get information from the RFCA work groups as soon as possible, especially: --
 - Cleanup standards
 - In-building cleanup regulation
 - Regulatory streamlining

Since these issues are very timely, we would request a response as soon as possible.

The Rocky Flats Citizens Advisory Board is a community advisory group that reviews and provides recommendations on cleanup plans for Rocky Flats, a former nuclear weapons plant outside of Denver, Colorado.

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